City of Fort Worth, Texas

Mayor and Council Communication

DATE: 10/21/25 **M&C FILE NUMBER:** M&C 25-0980

LOG NAME: 20EVERMAN PARKWAY USACE MITIGATION BANK AGREEMENTS

SUBJECT

(CD 8) Authorize Execution of a Mitigation Bank Credit Purchase Agreement with Mustang Creek Mitigation Holdings LLC in the Amount of $467,145.00 for the Purchase of Mitigation Credits from the U.S. Army Corps of Engineers; and Authorize Execution of a Mitigation Bank Credit Purchase Agreement with Trinity River Mitigation Bank, L.P. in the Amount of $395,000.00 for the Purchase of the Mitigation Credits from the U.S. Army Corps of Engineers for the Extension of Everman Parkway Project (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a mitigation bank credit purchase agreement with Mustang Creek Mitigation Holdings, LLC in the amount of $467,145.00 for the purchase of mitigation credits from the U.S. Army Corps of Engineers for the extension of the Everman Parkway project (City Project No. 103271); and
2. Authorize execution of a mitigation bank credit purchase agreement with Trinity River Mitigation Bank, L.P. in the amount of $395,000.00 for the purchase of the mitigation credits from the U.S. Army Corps of Engineers for the extension of the Everman Parkway project (City Project No. 103271).

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of two Mitigation Bank Credit Purchase Agreements for the purchase of mitigation credits from the U.S. Army Corps of Engineers (USACE).

In accordance with Section 404 of the Clean Water Act, the Everman Parkway Extension project requires a Nationwide Permit 14 (NWP 14) from the USACE because it involves the construction of a linear transportation project across waters of the United States (U.S.), specifically Sycamore Creek. This permit authorizes the placement of fill material associated with the roadway construction within those areas designated as waters of the U.S.

The magnitude of the stream impact necessitates compensatory mitigation, which can be achieved in one of two ways: by creating additional habitat on site or an alternate location approved by the USACE, or by purchasing mitigation credits from a mitigation bank. The City is choosing the latter approach because the mitigation banks assume responsibility for the long-term success of the mitigation site, relieving the city of this responsibility. The NWP 14 stream crossing authorization, coupled with the mitigation bank credits, ensures compliance with federal regulations while allowing the project to proceed.

Mustang Creek Mitigation Holdings, LLC, and Trinity River Mitigation Bank, L.P., are established mitigation banks that allow for the sale of mitigation credits to third parties in need of such mitigation, as approved by USACE. A Purchase of Mitigation Agreement, in the amount of $467,145.00 from Mustang Creek Mitigation Holdings, LLC and $395,000.00 from Trinity River Mitigation Bank, L.P., is needed for the transfer of credits to compensate for the loss of aquatic resources.

The following table summarizes the available funding for the project:

Fund	Existing Funding	Additional Funding	Project Total
2022 Bond Fund (34027)	$29,783,123.46	$0.00	$29,783,123.46
Misc. Funds (30104 & 30106)	18,416,876.54	$0.00	18,416,876.54
Impact Fee (30108)	792,623.53	$0.00	792,623.53
Old Capital Project Funds (39008)	1,007,376.47	$0.00	1,007,376.47
Total	**$50,000,000.00**	**$0.00**	**$50,000,000.00**

Funding is budgeted in the 2022 Bond Program Fund and in the Developer Contribution Fund for the Transportation & Public Works Department to fund the extension of the Everman Parkway (Rosedale Springs) project, as appropriated.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provided liquidity to support the appropriation. Available resources will be used to make any interim progress payment until the debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

The project is located in COUNCIL DISTRICT 8.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2022 Bond Program Fund and the Developer Contribution Fund for the Everman Pkwy (Rosedale Springs project) to support the approval of the above recommendations and execution of the agreement. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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Expedited